THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.20239 OF 2007

Dated: 27-09-2007

Between:

M/s.Venkateswara Dairy Farm,
Pitchaturu, Chittoor District.

...Petitioner

and

1.The Additional Commissioner of Commercial Taxes,
Nampally, Hyderabad and 2 others.

...Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.20239 OF 2007

Dated: 27-09-2007

Order: (Per The Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending appeal before the Tribunal, application for stay of collection of the disputed penalty filed by the petitioner was dismissed by the

competent authority. We have gone through the record and heard the learned Counsel for the parties. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of 25 per cent of the disputed penalty. Therefore, we set aside the order of the authority and direct that 25 per cent of the disputed penalty shall be paid by the petitioner, within a period of four weeks. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

The Writ Petition is disposed of accordingly. No costs.

_____

(Bilal Nazki, J)

Dated 27th September, 2007

_____

(Ramesh Ranganathan, J)

Note:
Wire at party's costs.
B/o
lur